

PATENT  
0505-4008

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher KEITH

Filed: March 8, 2001

Art Unit: 2165

Examiner:

Serial No.: 09/803,615

Confirmation No.: 7375

Title: AUTOMATED SYNCHRONIZATION OF ORDERS  
REPRESENTED IN MULTIPLE MARKETS**PETITION TO ACCORD FILING DATE  
AND REFUND LATE FILING FEE SURCHARGE**Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Applicant petitions to have a filing date of March 8, 2001, accorded for the enclosed pages 1-2 of the above-referenced application, and for the enclosed Declaration.

Applicant further petitions for refund of the instant petition fee.

Applicant additionally petitions for refund of the late filing fee associated with the Response to Notice to File Missing Parts for the Declaration.

**History of Events and Attorney Declaration**

On March 8, 2001, the undersigned attorney filed fifteen (15) patent applications having the same "Background" and "Detailed Description" sections, but different "Summary of the Invention" and "Claims" sections. Each of the "Summary" sections paraphrases the independent claims of the respective "Claims" section.

The undersigned attorney swears and declares that she personally verified that all 124 pages of the specification in the instant application, as well as a signed Declaration for the instant application, were present in the Express Mail envelope that she personally sealed and carried to the Post Office on March 8, 2001.

In due course, the undersigned attorney received the stamped return receipt postcard for the above-referenced application, indicating that the specification as well as the signed Declaration were received on March 8, 2001.

PATENT  
0505-4008

Today, the undersigned attorney received a Notice to File Missing Parts, dated June 11, 2001, indicating that pages 1-2 of the specification and the Declaration were not received.

Instant Response to Notice to File Missing Parts

Applicant believes that the Patent Office lost the Declaration and pages 1-2 of the instant application. Applicant submits copies of the lost Declaration and pages 1-2 herewith.

Applicant petitions the Patent Office to accord a filing date of March 8, 2001 to the Declaration and pages 1-2 of the specification. Applicant also petitions for refund of the filing fees paid herewith in the amounts of \$130 for the instant Petition and \$65 for the late filing fee surcharge associated with the Response to File Missing Parts.

Attached as Exhibit A is the copy of the Notice to File Missing Parts that must be returned with applicant's Response.

Attached as Exhibit B is a copy of the stamped return receipt postcard, annotated with arrows to items (1) and (3), as evidence that pages 1-2 of the specification and the signed Declaration were filed with the application.

Attached as Exhibit C is a copy of the first page of one of the other fourteen patent applications, docket 0505-4002, serial no. 09/801,848, filed on the same day as the instant application. Page 1 of the '848 application contains identical disclosure as page 1 of the instant application; these pages differ only in the docket numbers in their headers. Exhibit C is submitted as evidence that the page 1 of the instant application existed as of the filing date. The Patent Office is invited to examine page 1 of the other 13 related applications filed on March 8, 2001, to verify that they all have the same first page. If the Patent Office wishes to do this, the undersigned attorney will gladly supply the serial numbers for the 13 related applications.

Page 2 of the instant application paraphrases the independent claims of the instant application. The Patent Office agrees that the claims were filed on March 8, 2001.

Exhibit C, the instant claims and the above Attorney Declaration demonstrate that no matter on pages 1-2 of the instant application was created subsequent to March 8, 2001.

Attached as Exhibit D is applicant's original Response to the Notice to File Missing Parts.

Attached as Exhibit E are copies of the lost pages, namely, the signed Declaration and pages 1-2 of the specification.

Actions Requested

Applicant petitions the Patent Office to accord a filing date of March 8, 2001 for the copies of the Declaration and pages 1-2 of the specification in Exhibit E.

Applicant also petitions for refund of the filing fees paid herewith in the amounts of \$130 for the instant Petition and \$65 for the late filing fee surcharge associated with the Response to File Missing Parts.

The Patent Office is invited to contact the undersigned attorney if there are any questions or further information is desired.

Respectfully submitted,

Date: June 14, 2001

Brenda Pomerance  
Brenda Pomerance  
Reg. No. 36,894

Address:  
260 West 52 St. Apt. 27B  
New York, NY 10019  
voice/fax 212 245-3940